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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,457

Applicant(s)

FOIGEL ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 11-15 and 18-52 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 10, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the visible indicator deformable, as claimed in claims 19 and 25, the first and second portions of the body as separate members, as claimed in claim 22, the crimped portion at the second portion of the body, as claimed in claims 20,21 and 27, and that the grip is a pin or a plate, as claimed in claims 33 and 47, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the phrase "the present invention" in line 1. Correction is required. See MPEP § 608.01(b).
4. The specification is objected to because of the following informalities:
  - Page 7 Lines 2 and 3, delete "(such as by two walls each similar to the wall 60 in the illustrated exemplary embodiment)" because there is no wall 60 in the drawings; element 60 is an inlet not a wall.

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- Page 9 Line 31, change "spacer 80" to -spacer 76-.

Appropriate correction is required.

### ***Claim Objections***

5. **Claims 31, 33 and 47 are objected** to because of the following informalities:

- Claim 31 Line 2, change "a housing" to -a first housing-.
- Claims 33 and 47, change "the grip is one of a ball, a pin and a plate" to -the grip is selected from the group consisting of a ball, a pin and a plate- (See *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925)).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 19-21 and 23-52 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,352,003 to Bystry.

Regarding claims 19 and 25, Bystry discloses a cable lock comprising a body (11) having a first portion (13) defining an internal cavity and a second portion (12) having an aperture therethrough and a visible indicator (the complete body 12) deformable under force applied to the second portion.

Also, the lock further comprises a cable (17) retained within the aperture in the second portion of the body and an end insertable into the internal cavity of the housing to lock the cable lock.

As to claims 20,21 and 27, Bystry illustrates that the second portion (12) of the body defines a crimped portion (21) of the body.

As to claims 23,28 and 29, Bystry discloses that the body is an integral one-piece element.

As to claims 24 and 30, Bystry discloses that the cable is movable through a first direction but not in a direction opposite to the first direction.

As to claim 31, Bystry discloses a cable lock comprising a first housing (13) and a cable (17) insertable into the housing in a first direction. The cable has a locked state within the housing in which the cable is movable with respect to the housing in the first direction but is restrained against movement with respect to the housing in a second direction substantially opposite to the first direction. The cable is rotatable relative to the housing when is in the locked state.

As to claims 32 and 39, Bystry discloses that the lock further comprises a grip (38) at least partially located within the housing. The grip is movable to permit the cable to move in the first direction and is engageable with the cable to restrain the cable from moving in the second direction.

As to claims 33,40 and 47, Bystry discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

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As to claim 34, Bystry discloses that the lock further comprises a second housing (33) positioning within the first housing.

As to claims 35 and 49, Bystry discloses that the second housing (33) is moveable axially with respect to the first housing.

As to claims 36 and 50, Bystry discloses that the second housing (33) is rotatable with respect to the first housing.

As to claims 37 and 41, Bystry discloses that the grip is spring-loaded (by the spring 42).

As to claims 38 and 48, Bystry discloses that the cable is insertable into the second housing and rotatable with respect to the second housing.

As to claim 42, Bystry illustrates that the housing is crimped at an end (Figures 3-5).

As to claim 43, Bystry discloses that the housing has an open end. The lock further comprises an end cap (46) positionable within the open end of the housing. The housing extends around an edge of the end cap to secure the end cap in the open end of the housing (Figures 3-5).

As to claim 44, Bystry illustrates that the end cap has a peripheral edge enclosed by the housing.

As to claim 45, Bystry discloses a method of locking a cable lock comprising the steps of inserting a cable into a housing in a first direction, feeding the cable into the first housing to a locked state, and rotating the cable with respect to the housing in the locked position of the cable.

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As to claim 46, Bystry further comprises the step of moving a grip within the first housing permitting the cable to move in the first direction and engaging with the cable to restrain the cable from moving in the second direction.

As to claim 51, Bystry discloses the step of biasing the grip into engagement with the cable.

As to claim 52, Bystry disclose the step of biasing the second housing in a direction opposite to the direction of insertion of the cable.

8. **Claims 19-52 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 3,994,521 to Van Gompel.

Regarding claims 19 and 25, Van Gompel discloses a cable lock comprising a body having a first portion (26) defining an internal cavity and a second portion (24) having an aperture threrethrough and a visible indicator (the complete body 24 and 51) deformable under force applied to the second portion.

Also, the lock further comprises a cable (27) retained within the aperture in the second portion of the body and an end insertable into the internal cavity of the housing to lock the cable lock.

As to claims 20,21 and 27, Van Gompel illustrates that the second portion (24) of the body defines a crimped portion of the body.

As to claims 22 and 28, Van Gompel discloses that the first and second portions (24 and 26) of the body are separate pieces connectable together.

As to claims 23,28 and 29, Van Gompel discloses that the body is an integral one-piece element (when the portions are engaged, Figure 6).



As to claims 24 and 30, Van Gompel discloses that the cable is movable through a first direction but not in a direction opposite to the first direction.

As to claim 31, Van Gompel discloses a cable lock comprising a first housing (26) and a cable (27) insertable into the housing in a first direction. The cable has a locked state within the housing in which the cable is movable with respect to the housing in the first direction but is restrained against movement with respect to the housing in a second direction substantially opposite to the first direction. The cable is rotatable relative to the housing when is in the locked state.

As to claims 32 and 39, Van Gompel discloses that the lock further comprises a grip (38 and 39) at least partially located within the housing. The grip is movable to permit the cable to move in the first direction and is engageable with the cable to restrain the cable from moving in the second direction.

As to claims 33,40 and 47, Van Gompel discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 34, Van Gompel discloses that the lock further comprises a second housing (37) positioning within the first housing.

As to claims 35 and 49, Van Gompel discloses that the second housing (37) is moveable axially with respect to the first housing.

As to claims 36 and 50, Van Gompel discloses that the second housing (37) is rotatable with respect to the first housing.

As to claims 37 and 41, Van Gompel discloses that the grip is spring-loaded (by the spring 41).

As to claims 38 and 48, Van Gompel discloses that the cable is insertable into the second housing and rotatable with respect to the second housing.

As to claim 42, Van Gompel illustrates that the housing is crimped at an end (Figures 3 and 4).

As to claim 43, Van Gompel discloses that the housing has an open end. The lock further comprises an end cap (44) positionable within the open end of the housing. The housing extends around an edge of the end cap to secure the end cap in the open end of the housing (Figures 3 and 4).

As to claim 44, Van Gompel illustrates that the end cap has a peripheral edge enclosed by the housing.

As to claim 45, Van Gompel discloses a method of locking a cable lock comprising the steps of inserting a cable into a housing in a first direction, feeding the cable into the first housing to a locked state, and rotating the cable with respect to the housing in the locked position of the cable.

As to claim 46, Van Gompel further comprises the step of moving a grip within the first housing permitting the cable to move in the first direction and engaging with the cable to restrain the cable from moving in the second direction.

As to claim 51, Van Gompel discloses the step of biasing the grip into engagement with the cable.

As to claim 52, Van Gompel disclose the step of biasing the second housing in a direction opposite to the direction of insertion of the cable.

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1-5,8,11-15,18,31-34,37-48 and 51 are rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,550,830 to Kueznal (Kueznal '830).

Regarding claim 1, Kueznal '830 discloses a cable lock comprising a cable (42,46 and 48) having a cross-sectional shape with a radius varying at different circumferential positions of the cross-sectional shape.

A housing (44) defines an internal cavity (72) therein. A wall (74) is positioned to block access into the cavity of the housing. The wall includes an aperture (58). The aperture has a shape and a radius varying at different circumferential positions of the aperture. At least a portion of the cross-sectional shape of the cable has a shape complementary to the shape of the aperture (Figure 5).

As to claim 2, Kueznal '830 discloses that the wall (74) is at least partially positioned within the housing.

As to claim 3, Kueznal '830 illustrates that the wall (74) is disc-shaped.

As to claim 4, Kueznal '830 discloses that the wall (74) is rotatable with respect to the housing.

As to claim 5, Kueznal '830 illustrates that the wall (74) has a thickness and the aperture (58) has a shape substantially the same throughout the thickness (Figure 3).

As to claim 8, Kueznal '830 illustrates that the wall is shaped to prevent relative rotation between the cable and the wall (Figure 5).

As to claims 11-15 and 18, Kueznal '830 discloses a method of locking a cable lock comprising the steps of inserting an end of a cable into and through an aperture of a wall; inserting the end of the cable into and through the housing in a first direction, preventing movement of the cable in the opposite direction and blocking ingress of objects into the housing along a surface of the cable.

As to claim 31, Kueznal '830 discloses a cable lock comprising a first housing (44) and a cable (42,46 and 48) insertable into the housing in a first direction. The cable has a locked state within the housing in which the cable is movable with respect to the housing in the first direction but is restrained against movement with respect to the housing in a second direction substantially opposite to the first direction. The cable is rotatable relative to the housing when is in the locked state.

As to claims 32 and 39, Kueznal '830 discloses that the lock further comprises a grip (64) at least partially located within the housing. The grip is movable to permit the cable to move in the first direction and is engageable with the cable to restrain the cable from moving in the second direction.

As to claims 33,40 and 47, Kueznal '830 discloses that the grip is selected from the group consisting of a ball, a pin and a plate.

As to claim 34, Kueznal '830 discloses that the lock further comprises a second housing (102) positioning within the first housing.

As to claims 37 and 41, Kueznal '830 discloses that the grip is spring-loaded (by the spring 66).

As to claims 38 and 48, Kueznal '830 discloses that the cable is insertable into the second housing and rotatable with respect to the second housing.

As to claim 42, Kueznal '830 illustrates that the housing (102) is crimped at an end (Figure 13).

As to claim 43, Kueznal '830 discloses that the housing has an open end. The lock further comprises an end cap (100) positionable within the open end of the housing. The housing extends around an edge of the end cap to secure the end cap in the open end of the housing (Figure 13).

As to claim 44, Kueznal '830 illustrates that the end cap has a peripheral edge enclosed by the housing.

As to claim 45, Kueznal '830 discloses a method of locking a cable lock comprising the steps of inserting a cable into a housing in a first direction, feeding the cable into the first housing to a locked state, and rotating the cable with respect to the housing in the locked position of the cable.

As to claim 46, Kueznal '830 further comprises the step of moving a grip within the first housing permitting the cable to move in the first direction and engaging with the cable to restrain the cable from moving in the second direction.

As to claim 51, Kueznal '830 discloses the step of biasing the grip into engagement with the cable.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1-5,8,11-15 and 18 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,994,521 to Van Gompel in view of US Pat No 6,550,830 to Kueznal (Kueznal '830).

Regarding claims 1,8,11-15 and 18, Van Gompel discloses a cable lock comprising a cable (27) having a cross-sectional shape with a radius varying at different circumferential positions of the cross-sectional shape and a housing (26) defines an internal cavity therein and a wall (44) positioned to block access into the cavity of the housing. The wall includes an aperture.

However, Van Gompel fails to disclose that the aperture has a shape and a radius varying at different circumferential positions of the aperture complementary to the shape of the cable.

Kueznal '830 teaches that it is well known in the art to have an aperture (58) having a shape and a radius varying at different circumferential positions of the aperture complementary to the shape of the cable (Figure 5).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an aperture, as taught by Kueznal '830, into a device as described by Van Gompel, in order to secure the cable and to inhibit ingress of an object into the internal cavity.

As to claim 2, Van Gompel discloses that the wall (44) is at least partially positioned within the housing.

As to claim 3, Van Gompel illustrates that the wall (44) is disc-shaped.

As to claim 4, Van Gompel discloses that the wall (44) is rotatable with respect to the housing.

As to claim 5, Van Gompel illustrates that the wall (44) has a thickness and the aperture has a shape substantially the same throughout the thickness.

**13. Claims 1-5,8,11-15 and 18 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,352,003 to Bystry in view of US Pat No 6,550,830 to Kueznal (Kueznal '830).

Regarding claims 1,8,11-15 and 18, Bystry discloses a cable lock comprising a cable (17) having a cross-sectional shape with a radius varying at different circumferential positions of the cross-sectional shape and a housing (13) defines an internal cavity therein and a wall (46) positioned to block access into the cavity of the housing. The wall includes an aperture.

However, Bystry fails to disclose that the aperture has a shape and a radius varying at different circumferential positions of the aperture complementary to the shape of the cable.

Kueznal '830 teaches that it is well known in the art to have an aperture (58) having a shape and a radius varying at different circumferential positions of the aperture complementary to the shape of the cable (Figure 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an aperture, as taught by Kueznal '830, into a device as described by Bystry, in order to secure the cable and to inhibit ingress of an object into the internal cavity.

As to claim 2, Bystry discloses that the wall (46) is at least partially positioned within the housing.

As to claim 3, Bystry illustrates that the wall (46) is disc-shaped.

As to claim 4, Bystry discloses that the wall (46) is rotatable with respect to the housing.

As to claim 5, Bystry illustrates that the wall (46) has a thickness and the aperture has a shape substantially the same throughout the thickness.

**14. Claims 22 and 28 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,352,003 to Bystry in view of US Pat No 5,170,537 to Sperling.

Bystry fails to disclose that the first and second portions of the body are separate pieces connectable together. Bystry discloses that the first and second portions are a one-piece embodiment.

Sperling teaches that it is well known in the art at the time the invention was made to have first and second portions (109 and 111) of a body as separate portions connectable together.



It would have been obvious to one having ordinary skill in the art at the time the invention was made to have separate portions connected together, instead of a one-piece embodiment, as taught by Sperling, in a device as described by Bystry, because it is considered as a design consideration within the skill of the art that will not affect the locking of the cable.

***Allowable Subject Matter***

15. **Claims 6,7,9,10,16 and 17 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Reasons For Allowable Subject Matter**

16. The following is an examiner's statement of reasons for allowable subject matter:

Claims 6,7,9,10,16 and 17 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the aperture is twisted from a front surface of the wall to a rear surface of the wall (claims 6 and 16); that the aperture has a scalloped edge (claims 7 and 17); and that the edge of the aperture defines spiral grooves (claims 9 and 10).

Kueznal '830 discloses that the aperture (58) has a shape and a radius varying at different circumferential positions of the aperture complementary to the shape of the cable (Figure 5). However, the shape of the aperture is not twisted or in the form of scallop; is straight.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

*C.L.*

Carlos Lugo  
AU 3677

September 22, 2004.



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